IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.1681 of 2000

Between:

P.V.Kondayya.

..... PETITIONER

AND

1. The Joint Collector, Chilakalapudi,

at Machilipatnam, Krishna District, and another.

.....RESPONDENTS

ORDER:

Petitioner, who is a retail kerosene dealer, has filed this writ petition seeking a Writ of Mandamus to declare the action of the respondent in stopping the

supply of Kerosene to his depot bearing No.204, Pakeergardens, Labbipet, Vijayawada, Krishna District, during the subsistence of his license as illegal and arbitrary.

Petitioner is retail P.D.S. Kerosene dealer of shop No.204 in Pakeergardens, Labbipet, Vijayawada, Krishna District, and he has been carrying on the said business with valid authorization. While so, on 22-1-2000 at about 2-30 hours, Vigilance authorities made surprise visit to the petitioner's shop, seized a quantity of 2972 litres of blue dyed kerosene, and registered a case under Section 6-A of the Essential Commodities Act. The enquiry is pending before the first respondent-Joint Collector. The grievance of the petitioner is that he had lifted part of the stock for the month of January 2000, and the remaining stock is yet to be lifted for distribution to the cardholders. But, the respondent authorities are not supplying the stock albeit his license is subsisting. Hence, the writ petition.

Heard learned Counsel for the parties and perused the entire material available on record.

At the state of admission, this Court *vide* order dated 07-02-2000 directed the respondents to supply the stock of Kerosene to the petitioner's depot, provided his license is subsisting. That interim order is extended by further order dated 18-02-2000. In the counter-affidavit, the respondents have neither disputed the subsistence of license nor stated any facts apropos any action being taken by them for cancellation of petitioner's license. However, it is stated that a case is registered under Section 6-A of the Essential Commodities Act, and the same is pending before the first respondent-Joint Collector. Inasmuch as the petitioner's license is neither suspended nor cancelled, he is entitled to receive the supplies as long as he holds valid license.

In view of the same, I dispose of the writ petition directing the

respondents to continue the supplies to the petitioner's depot, provided he is continued as dealer. However, it is made clear that if there is any violation of either conditions of the license or provisions of the control order, it is open for the respondents to take appropriate action in accordance with law. No order as to costs.

16-11-2005

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